

REMARKS

The office action rejects claims 1 - 4, 7, 9 - 16 and 18 - 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/004694 to *McLeod*. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *McLeod* in view of U.S. Patent No. 6,435,019 to *Vojtisek-Lom*. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over *McLeod* in view of U.S. Publication No. 2003/0159044 to *Doyle*. Finally claims 6 and 17 were indicated as being allowable if rewritten in independent form to include the base claim and all intervening claims.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 6 and 17 constitute allowable subject matter if rewritten in independent form to include their base claim and all intervening claims.

35 USC 102(b)

Claim 1 is directed to a device for testing the exhaust emissions comprises a base, a gas sensor and a portable hand held display where,

- 1) each include a wireless real-time data transmitter and receiver;
- 2) said gas sensor and display device are detachable from said base station for mutually independent use; and
- 3) each include power packs to provide the necessary power when they are remote from the base station.

Claim 13 is directed to a device for testing the exhaust emissions comprises a base station, a remote gas sensor and a remote hand portable display device where,

- 1) each is detachable from the base station for mutually independent use;
- 2) wherein said base station, sensor and display device further include at least one of a radio transmitter and receiver whereby data can be transmitted and received therebetween.

In the claimed invention, the remote gas exhaust sensor and the remote hand portable display are detachable from the base station and each can be used mutually independently from each other and the base station. The wireless transmitter and receiver in each of the devices allow the devices to communicate with each other and the base station when they are operated remotely and mutually independently of one another. Furthermore, claim 1 further calls for the limitation that the remote gas sensor and remote handheld display each have their own power source to further allow each to operate mutually independently of the other and the base station.

McLeod discloses a modular interconnected vehicle diagnostic system having a plurality of constituent diagnostic and/or signal processing devices that may be selectively combined to form a vehicle diagnostic assembly, which are operated as a single unit and not remotely from one another. (Para. 0042). In particular, a mechanic would purchase a base unit and user interface unit and add vehicle or system specific modules according to the mechanics business requirements. (Abstract, Fig. 1, paragraphs 41 – 48 and paragraph 204). Throughout the specification, the terms "interconnected" and "conjoined" are repeatedly used to convey the essence of the invention – that a mechanical connection is maintained between the modules and user interface unit. While the user interface unit may be remote from the base unit, the modules within the user interface unit are all mechanically connected in a single handheld device (paragraph 200). Furthermore, although *McLeod* discloses that the individual modules are mechanically inter-connected to the user interface and each other, it does disclose that the electrical connection between the modules and the user interface may be by wire or wireless. (Paragraph 063). Consequently, the disclosure is limited to a modular device, where the modules are mechanically interconnected during use.

As pointed out in previous responses, Applicant's claims are directed to a device for testing the exhaust emissions where the components are mechanically disconnected from one another during operation. That is, the base station, gas sensor and remote hand portable display are detachable from one another for mutually independent use. This is possible since each has at least one of a radio transmitter and receiver for communicating wirelessly to the base station. Claim 1 additionally calls for power packs for each of the gas sensor and display device to allow for their remote and mutually independent use. The claims of the present invention are specifically directed to the physical separation of the base station, remote hand portable display device and gas sensor so as to achieve the desirable result of allowing the testing of exhaust gas without risk of exposing the tester or other workers to such emissions.

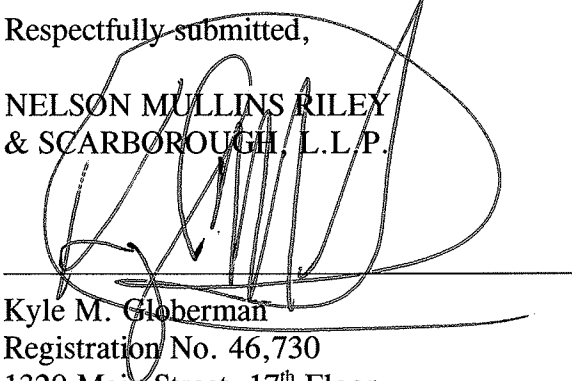
McLeod fails to teach, disclose or at the very least suggest the use of a remote gas exhaust sensor and a remote data input terminal containing a keypad, where each contains one of a transmitter or receiver and a battery pack, and each can be used mutually independent of the other. Nothing in *McLeod* suggests a gas sensor and handheld display device that are not mechanically interconnected in use, and to read *McLeod* as suggesting a non-mechanical use is contrary to the teaching of *McLeod*.

CONCLUSION

For at least the above reasons, independent claims 1 and 13 are allowable over *McLeod*, and are in condition for allowance. Dependent claims 2 – 4, 6 – 7, 9 – 12 and 14 – 20 directly or indirectly depend from independent claims 1 and 13. These dependent claims recite further limitations and are allowable in their respective combinations. Favorable action and withdrawal of the present rejections and objections is, therefore, respectfully requested. The Examiner is invited to call the undersigned at his convenience to resolve any remaining issues. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1196.

Respectfully submitted,

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